

REMARKS

Claims 1-10 are pending in the present application. Claims 1-10 have been rejected. Claim 1 has been amended. It is believed that the present amendment puts this application, including claims 1-10, in condition for allowance.

Specification

The Examiner has objected to the title of the invention as not being descriptive. In response, Applicants have amended the title to "Timer Having A Split Geartrain" in order to make the title more indicative of the invention to which the claims are directed.

Inventorship

The Examiner states that the Declaration for the above-identified application sets forth three inventors, Daniel Keith Amonett, Robert G. Sokalski, and Donald Eugene Smith, while the specification only mentions two inventors, Daniel Keith Amonett and Donald Eugene Smith. The Examiner suggests adding Robert G. Sokalski to the first page of the specification for consistency with the Declaration. Applicants respectfully disagree because Daniel Keith Amonett and Donald Eugene Smith are the only Applicants for the above-identified application. The application transmittal states "Please note the inventors named in this application are fewer than those named in the prior application and the attached Declaration." A copy of the application transmittal is attached.

More specifically, the present application is a divisional of Application Serial No. 10/322,999, which is a divisional of Application Serial No. 10/000,414 (U.S.

6,613,991), which is a continuation-in-part of Application Serial No. 09/368,284 (U.S. 6,441,326), which is a continuation-in-part of Application Serial No. 09/365,561 (U.S. 6,080,943). As filed, the present application included a copy of the executed Declaration from the '561 application, as is allowed under 37 CFR § 1.63(d). The executed Declaration filed in the '561 application was correct in that it satisfied all of the requirements for such a Declaration as laid out in 37 CFR § 1.63. And that Declaration included execution by the three named inventors of the '561 application (Daniel Keith Amonett, Robert G. Sokalski, and Donald Eugene Smith). The present application includes fewer than the inventors named on the Declaration of the '561 case. In particular, the inventors on the present application are Daniel Keith Amonett and Donald Eugene Smith. However, it is still permissible to submit such a Declaration under 37 CFR § 1.63(d), in view of the fact that Applicants noted that not all of the named inventors on the submitted copy of the Declaration were inventors for the present application. As described above, the application transmittal states "Please note the inventors named in this application are fewer than those named in the prior application and the attached Declaration."

Thus, in filing the present application, Applicants filed a copy of a proper Declaration with the application. Applicants further notified the U.S. PTO at that time that fewer than all the inventors listed on the Declaration were named in the present application. And in particular, on both the transmittal submitted with the application, and on the application itself, Applicants listed the inventors of the present application as Daniel Keith Amonett and Donald Eugene Smith. Thus, the inventive entity as laid out by Applicants upon filing of the present application was correct, and

any inclusion of Robert G. Sokalski as an inventor on the present application, with the present claims, would be in error.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claims 1, 3, 5, 9, and 10 under 35 U.S.C. § 102(b) as being anticipated by Tsuchiya (U.S. Patent No. 4,086,753). In view of the claims as presently amended, Applicants respectfully disagree.

Applicants note that claim 1 of the present invention has been presently amended to recite that the geartrain includes meshing gears and gearshafts positioned on both opposite sides of the stator plate with "at least one gear and/or gearshaft comprising at least two pieces adapted to engage one another to connect said geartrain through said stator plate." Support for this amendment may be found with reference to at least to Fig. 2A of the present application. There, it can be seen that the geartrain of the present application includes a splined shaft 74 and a splined socket 78 on gear 80 which are adapted to engage one another through the stator plate (see Fig. 2B). Applicants submit that Tsuchiya does not disclose such a two-piece connection of a geartrain through a stator plate. As can be seen from Fig. 2 of Tsuchiya, the geartrain therein includes an intermediate wheel 10 including a shaft that is disposed through a hole 28 in the stator 6. However, this gear and shaft, which are used to connect the geartrain, is a single integral piece. The shaft is not two pieces, the gear is not two pieces, and the shaft and gear are not two pieces which engage one another. Thus, Applicants submit that claim as presently amended is not anticipated by Tsuchiya, and therefore respectfully request a withdrawal of the rejection of claim 1 over Tsuchiya. Applicants further submit that each of claims 3, 5, 9, and 10 ultimately

depend from claim 1. Since claim 1 is not anticipated by Tsuchiya, Applicants respectfully submit that neither are dependent claims 3, 5, 9, and 10 anticipated by Tsuchiya, and respectfully request a withdrawal of claims 3, 5, 9, and 10.

The Examiner has also rejected claims 1, 2, 9, and 10 under 35 U.S.C. § 102(b) as being anticipated by Galie (U.S. Patent No. 4,886,988). In view of the claims as presently amended, Applicants respectfully disagree.

Applicants note that claim 1 of the present invention has been presently amended to recite that the geartrain includes meshing gears and gearshafts positioned on both opposite sides of the stator plate with "at least one gear and/or gearshaft comprising at least two pieces adapted to engage one another to connect said geartrain through said stator plate." As described above, support for this amendment may be found with reference to at least to Fig. 2A of the present application. There, it can be seen that the geartrain of the present application includes a splined shaft 74 and a splined socket 78 on gear 80 which are adapted to engage one another through the stator plate (see Fig. 2B). Applicants submit that Galie does not disclose such a two-piece connection of a geartrain through a stator plate. As can be seen from Fig. 3 of Galie, there is no connection of the geartrain through the stator plate, as is recited by presently amended claim 1. Further, Applicants submit that there is no two-piece connection disclosed in Galie. Thus, Applicants submit that claim as presently amended is not anticipated by Galie, and therefore respectfully request a withdrawal of the rejection of claim 1 over Galie. Applicants further submit that each of claims 2, 9, and 10 ultimately depend from claim 1. Since claim 1 is not anticipated by

Galie, Applicants respectfully submit that neither are dependent claims 2, 9, and 10 anticipated by Galie, and respectfully request a withdrawal of claims 2, 9, and 10.

Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over the Tsuchiya in view of Horbach (U.S. Patent No. 3,215,964).

In order to establish a prima facie case of obviousness, the Examiner must show that the cited references, as combined, teach or suggest each of the elements of the claims. Claim 4 ultimately depends from independent claim 1, and thus incorporates the limitations of that claim. At least for the reasons discussed above, Tsuchiya does not teach or suggest each and every element of presently amended claim 1. Further, it is submitted that Horbach fails to teach the elements of claim 1 that are missing in Tsuchiya. More specifically, Applicants submit that, like Tsuchiya, Horbach does not teach or suggest a geartrain including meshing gears and gearshafts on both opposite sides of the stator plate with "at least one gear and/or gearshaft comprising at least two pieces adapted to engage one another to connect said geartrain through said stator plate . . . ," as presently recited in amended claim 1. Thus, regardless of whether one skilled in the art would be motivated to combine the teachings of the two references, it is submitted that any combination of Tsuchiya and Horbach does not show each and every element of claim 4, as that claim is ultimately dependent on claim 1. Accordingly, withdrawal of the obviousness rejection of claim 4 is requested.

The Examiner has also rejected claims 6, 7, and 8 under 35 U.S.C.

§ 103(a) as being unpatentable over Tsuchiya or Galie in view of Plancon (U.S. Patent No. 4,888,507).

In order to establish a prima facie case of obviousness, the Examiner must show that the cited references, as combined, teach or suggest each of the elements of the claims. Claims 6, 7, and 8 each ultimately depend from independent claim 1, and thus incorporate the limitations of that claim. At least for the reasons discussed above, neither Tsuchiya nor Galie teach or suggest each and every element of claim 1. Further, it is submitted that Plancon fails to teach the elements of claim 1 that are missing in Tsuchiya and Galie. More specifically, Applicants submit that, like the Tsuchiya and Galie, Plancon does not teach or suggest a geartrain including meshing gears and gearshafts on both opposite sides of the stator plate with "at least one gear and/or gearshaft comprising at least two pieces adapted to engage one another to connect said geartrain through said stator plate . . . , " as presently recited in amended claim 1. Thus, regardless of whether one skilled in the art would be motivated to combine the teachings of the references, it is submitted that any combination of the Tsuchiya or Galie with Plancon does not show each and every element of claim 6, 7, or 8 as those claims ultimately depend from claim 1. Accordingly, withdrawal of the obviousness rejection of claims 6, 7, and 8 is requested.

Conclusion

For the foregoing reasons, it is submitted that this application is now in condition for allowance.

It is believed that no fee is due with this submission. If any additional fee or surcharges are deemed due, please charge same or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to contact the undersigned attorney with any questions or remaining issues.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: 

David E. Jefferies, Reg. No. 46,800

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 421-7269 (facsimile)
K:\KPF\30CD1\Resp to OA1.wpd